IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.15 OF 2016

Ratnakar A. Shetty .. Petitioner
Vs.
Sanchendra S. Shetty & Anr. .. Respondents

Mr.Vishal Tambat a/w Mr.Sachin Gorwadkar for the petitioner.
Mr.Gaurang Jhaveri for the respondent no.1.

CORAM : R.D. DHANUKA, J.
DATE : 22nd July 2016

P.C.

. Pursuant to the order passed by this Court on 4th July 2016, Advocate Mr.V.K. Pathak, proposed arbitrator has filed statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 in this Court. Statement of disclosure filed by the proposed learned arbitrator is taken on record and is accepted.

2. Mr.V.K. Pathak, Advocate is appointed as a sole arbitrator. There is no dispute about existence of the arbitration agreement.

3. Learned counsel appearing for the petitioner undertakes to withdraw the suit filed by the petitioner bearing Regular Civil Suit No.318 of 2013 in the Court of Civil Judge, Senior Division, Nashik and any other connected proceedings arising out of the said suit within two weeks from today. Undertaking is accepted.

4. It is made clear that the petitioner would be at liberty to seek interim measures under Section 17 of the Arbitration and

Conciliation Act, 1996 before the learned arbitrator. It is also made clear that if the respondent also seeks to apply for any interim measures before the learned arbitrator, the respondent also can apply for such interim measures. It is made clear that this Court has not expressed any views on merits of the matter.

5. If any such application for interim measures made by the parties, the same shall be decided on its own merits. It is made clear that the petitioner would be at liberty to seek reliefs which were subject matter of the said Regular Civil Suit No.318 of 2013 before the learned arbitrator, however, subject to the issue of jurisdiction raised by the respondent. If any such claim is made, the same shall be decided on its own merits.

6. Arbitration petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.